

PRODUCT: 49 cases, each containing 48 7-ounce cans, of clams at Reno, Nev. Examination showed that the product contained an excessive amount of packing medium.

LABEL, IN PART: (Can) "Pioneer Brand Minced Clams."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), diluted clam juice had been substituted in part for minced clams.

DISPOSITION: May 2, 1952. G. P. Halferty & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

18615. Adulteration and misbranding of oysters. U. S. v. 1,248 Cans * * *.
(F. D. C. No. 32174. Sample Nos. 4075-L to 4077-L, incl.)

LIBEL FILED: November 23, 1951, Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 16, 1951, by C. W. Howeth & Bro., from Crisfield, Md.

PRODUCT: 1,248 cans of oysters at Indianapolis, Ind.

LABEL, IN PART: "Oysters Selects [or "Standards"] 1 Pint H & B Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk or weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters purported to be and were represented as oysters standards and oysters selects, foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to the definitions and standards. In the preparation of the oysters standards and oysters selects, the total time of contact with water after leaving the shucker, computed as directed by the definitions and standards, was more than 30 minutes. In addition, the oysters described as "selects" were not thoroughly drained; and they were of such size that a gallon contained more than 300 oysters, and a quart of the smallest oysters selected therefrom contained more than 83 oysters. The definitions and standards provide that in the preparation of oysters standards and oysters selects, the total time (computed as therein directed) that such oysters are in contact with water after leaving the shucker is not more than 30 minutes; that oysters selects are thoroughly drained; and that oysters selects are of such size that 1 gallon contains not more than 300 oysters, and a quart of the smallest oysters selected therefrom contains not more than 83 oysters.

DISPOSITION: January 14, 1952. Default decree of forfeiture and destruction.

18616. Adulteration and misbranding of oysters. U. S. v. 800 Cans * * *.
(F. D. C. No. 32328. Sample Nos. 3822-L, 3824-L, 12024-L.)

LIBEL FILED: January 2, 1952, Northern District of Ohio; amended libel filed January 21, 1952.

ALLEGED SHIPMENT: On or about December 24, 1951, by Irvington Packing Co., Inc., from White Stone, Va.

PRODUCT: 800 ½-pint cans of oysters at Toledo, Ohio.

LABEL, IN PART: "Oysters Selects Old Dominion Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted for oysters; and, Section 402 (b) (4), water had been added to the oysters so as to reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definition and standard of identity for oysters standards since they were not thoroughly drained; and in the preparation of the oysters, the total time of contact with water, or salt water, after leaving the shucker, computed as directed in the definition and standard, was more than 30 minutes.

DISPOSITION: February 21, 1952. Default decree of condemnation and destruction.

18617. Misbranding of oysters. U. S. v. 144 Cans * * *. (F. D. C. No. 32441. Sample No. 26193-L.)

LIBEL FILED: January 23, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 14, 1952, by F. F. East, Inc., from Maurice River, N. J.

PRODUCT: 144 cans of oysters at Freeport, Ill.

LABEL, IN PART: (Can) "Oysters Standards NJ One Pint Sailor Boy Brand."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for oysters standards in that the article was not thoroughly drained, as prescribed by the definition and standard.

DISPOSITION: April 21, 1952. Default decree of condemnation and destruction.

18618. Misbranding of oysters. U. S. v. 144 Cans * * *. (F. D. C. No. 32306. Sample No. 3817-L.)

LIBEL FILED: December 19, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 17, 1951, by the Ware River Seafood Co., from Schley, Va.

PRODUCT: 144 cans of oysters at Kingston, Pa.

LABEL, IN PART: "Oysters Standards One Pint Ware River Brand."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "One Pint" was inaccurate. (Examination showed that the article was short of the declared volume.)

DISPOSITION: March 5, 1952. Default decree of condemnation and destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

18619. Adulteration of canned mashed bananas. U. S. v. 1,369 Cases * * *. (F. D. C. No. 32454. Sample No. 38006-L.)

LIBEL FILED: January 28, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about July 8, 1949, from Guantanamo, Cuba.

PRODUCT: 1,369 cases, each containing 6 6-pound, 8-ounce cans, of mashed bananas at New York, N. Y.